

this document in the Federal Register. The Assistant Administrator will consider all comments made during the public comment period and may propose modifications as appropriate.

Because prior notice and opportunity for public comment is not required under 5 U.S.C. 553, or under any other public law, preparation of a Regulatory Flexibility Analysis under 5 U.S.C. 603(a) and 604(a) is not required and none has been prepared.

The Administrative Procedure Act requires that publication of an action be made not less than 30 days before its effective date unless the Assistant Administrator finds and publishes with the rule good cause for an earlier effective date (5 U.S.C. 553(d)(3)). These specifications announce the harvest goals and the management measures designed to achieve those harvest goals in 1996. A delay in implementation could compromise the management strategies that are based on the projected landings from these trip limits. Therefore, a delay in effectiveness is contrary to the public interest and these actions are effective on January 1, 1996.

Dated: December 28, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95-31580 Filed 12-29-95; 11:57 am]

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50 CFR Part 625

[Docket No. 951116270-5308-02; I.D. 110195B]

Summer Flounder Fishery; Final Specifications for 1996; Technical Amendment

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final specifications for the 1996 summer flounder fishery; final rule, technical amendment.

SUMMARY: NMFS issues the final specifications for the 1996 summer flounder fishery, which include

commercial catch quotas and mesh size requirements, and revises the applicable regulations to accurately reflect the intent of the Mid-Atlantic Fishery Management Council regarding the "cap" on the harvest limit. The intent of this document is to comply with implementing regulations for the fishery that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of the summer flounder resource, and to modify the language specifying the "cap" on the annual harvest limit.

EFFECTIVE DATE: December 29, 1995.

ADDRESSES: Copies of the Environmental Assessment and supporting documents used by the Monitoring Committee are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901-6790.

FOR FURTHER INFORMATION CONTACT: Regina Spallone, Fishery Policy Analyst, 508-281-9221.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Summer Flounder Fishery (FMP) was developed jointly by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. The management unit for the FMP is summer flounder (*Paralichthys dentatus*) in U.S. waters of the Atlantic Ocean from the southern border of North Carolina northward to the Canadian border. Implementing regulations for the fishery are found at 50 CFR part 625.

Section 625.20 of Title 50, Code of Federal Regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP) specifies the process for setting annual management measures in order to achieve the fishing mortality (F) rates specified in the FMP. Under Amendment 7 to the FMP, the schedule of F rates established sets a target fishing mortality rate of 0.41 in 1996, 0.3 in 1997, and 0.23 (F_{max}) in 1998 and thereafter, provided the allowable levels

of fishing in 1996 and 1997 may not exceed a "cap" of 18.51 million lb (8.4 million kg), unless such fishing levels had an associated F of 0.23. This "cap" reflected a rounding of the actual poundage. The Council felt that such a rounding, while convenient for the reader, did not accurately reflect the true intent, which was 18,518,830 lb (8,400 mt). Therefore, this action modifies the "cap" to reflect the Council's intent that the maximum allowable harvest level associated with this "cap" is 18,518,830 lb (8,400 mt). This clarification is outlined in the section below, which specifies changes from the proposed specifications.

Pursuant to § 625.20, the Director, Northeast Region, NMFS, implements certain measures for the fishing year to ensure achievement of the appropriate fishing mortality rate. The measures include those that are changed, and those that are not changed, from the proposed 1996 specifications that were published in the Federal Register on November 28, 1995 (60 FR 58593). The unchanged measures include: (1) A minimum commercial fish size of 13 inches (33 cm); and (2) a minimum mesh size restriction of 5.5-inch (14.0-cm) diamond or 6-inch (15.2-cm) square. The changed measures include: (1) A coastwide harvest limit of 18,518,830 lb (8.40 million kg); (2) a coastwide commercial quota of 11,111,298 lb (5.04 million kg); and (3) a coastwide recreational harvest limit of 7,407,532 lb (3.36 million kg).

Commercial Quota

The coastwide commercial quota is allocated among the states based on historic catch shares specified in the regulations. Table 1 presents the 1996 commercial quota (11,111,298 lb; 5,040,000 kg) apportioned among the states according to the percentage shares specified in § 625.20(d)(1). These state allocations do not reflect the adjustments required under § 625.20, if 1995 landings exceed the 1995 quota for any state. A notification of allocation adjustment will be published in the Federal Register if such an adjustment is necessary.

TABLE 1.—1996 STATE COMMERCIAL QUOTAS

State	Share (%)	1996 quota (lb)	1996 quota (kg)
ME	0.04756	5,284	2,397
NH	0.00046	51	23
MA	6.82046	757,841	343,751
RI	15.68298	1,742,583	790,422
CT	2.25708	250,791	113,757
NY	7.64699	849,680	385,408
NJ	16.72499	1,858,363	842,939

TABLE 1.—1996 STATE COMMERCIAL QUOTAS—Continued

State	Share (%)	1996 quota (lb)	1996 quota (kg)
DE	0.01779	1,977	897
MD	2.03910	226,570	102,770
VA	21.31676	2,368,569	1,074,365
NC	27.44584	3,049,589	1,383,270

Recreational catch data for 1995 are not yet available. The Council and ASMFC will consider modifications to the recreational possession limit and recreational season after a review of that information.

Final Rule, Technical Amendment and Changes From Proposed Specifications to Final Specifications

This document modifies the language specified in § 625.20(a) established by the final rule for Amendment 7 to the FMP that set the harvest limit "cap" at 18.51 million lb (8,396 mt). The final rule, technical amendment contained in this action changes the harvest limit "cap" to be 18,518,830 lb (8,400 mt), making the "cap" consistent with Council intent as stated in the comment submitted by the Council and addressed below. The value of 8,400 mt is contained in Amendment 7 and that value is equivalent to 18,518,830 lb, which is 8,830 lb greater than the rounded off value of 18.51 million lb. As a result, the state allocations of commercial quota have been altered slightly relative to the proposed specifications.

Comments and Responses

One comment was received regarding the 1996 summer flounder specifications from the Council.

Comment: The Council checked the administrative record and acknowledged an error in the publication of the harvest limit "cap", as published in Amendment 7 to the FMP. The Council wishes to correct the specifications to reflect accurately their intent regarding the total harvest limit and subsequent specifications for the commercial and recreational fisheries. Specifically, the Council intended the total harvest limit to equal 18,518,830 lb (8,400 mt), rather than 18.51 million lb which actually equals 8,396 mt. The value of 18,518,830 lb would result in an allocation of 11,111,298 lb (5,040,000 kg) to the commercial sector, and 7,407,532 lb (3,360,000 kg) to the recreational sector.

Response: NMFS agrees. The administrative record shows that, for the purpose of reading ease, the numbers for pounds were rounded during

publication. However, this rounding resulted in a loss of the original intent of the Council. To modify the regulations to reflect more accurately the record, a technical amendment to the final rule for Amendment 7 is necessary. That action accompanies the publication of these final specifications.

Classification

This action is authorized by 50 CFR part 625 and complies with the National Environmental Policy Act.

These final specifications are exempt from review under E.O. 12866.

For the technical regulatory change, NMFS finds good cause to waive prior notice and opportunity for public comment under 5 U.S.C. 553(b)(B). The technical change corrects the regulation's codification of the quota cap in Amendment 7 to reflect accurately the language adopted by the Council. As such, NMFS finds that prior notice and comment are unnecessary. Further, there is no requirement to delay the effective date of this technical change as it is not a substantive rule.

List of Subjects in 50 CFR Part 625

Fisheries, Reporting and recordkeeping requirements.

Dated: December 28, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 625 is amended as follows:

PART 625—SUMMER FLOUNDER FISHERY

1. The authority citation for part 625 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 625.20, paragraph (a) introductory text is revised to read as follows:

§ 625.20 Catch quotas and other restrictions.

(a) *Annual review.* The Summer Flounder Monitoring Committee will review the following data on or before August 15 of each year to determine the allowable levels of fishing and other restrictions necessary to achieve a

fishing mortality rate (F) of 0.53 in 1993 through 1995, 0.41 in 1996, 0.30 in 1997, and 0.23 in 1998 and thereafter, provided the allowable levels of fishing in 1996 and 1997 may not exceed 18,518,830 lb (8,400 mt), unless such fishing levels have an associated F of 0.23:

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50 CFR Part 625

[I.D. 122895A]

Summer Flounder Fishery; Commercial Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, (NOAA), Commerce.

ACTION: Notification of commercial quota transfer.

SUMMARY: NMFS announces that the State of New Jersey is transferring 138,000 lb (62,596 kg) of commercial summer flounder quota to the Commonwealth of Massachusetts. NMFS adjusted the quotas and announces the revised commercial quota for each state involved.

EFFECTIVE DATE: December 31, 1995.

FOR FURTHER INFORMATION CONTACT: Regina L. Spallone, Fishery Policy Analyst, (508) 281-9221.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the Fishery Management Plan for the Summer Flounder Fishery are found at 50 CFR part 625. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20.

The commercial quota for summer flounder for the 1995 calendar year was set equal to 14,690,407 lb (6,663,569 kg), and the allocations to each state were published February 16, 1995 (60 FR 8958). At that time, New Jersey was